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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

|                           |   |                     |
|---------------------------|---|---------------------|
| JEFFREY SMITH, et al.,    | ) |                     |
|                           | ) | Civ. No. 05-3084-CO |
| Plaintiffs,               | ) |                     |
|                           | ) |                     |
| v.                        | ) |                     |
|                           | ) |                     |
| GUIDEONE MUTUAL INSURANCE | ) | <b>ORDER</b>        |
| CO.,                      | ) |                     |
|                           | ) |                     |
| Defendant.                | ) |                     |
| _____                     | ) |                     |

**PANNER, District Judge:**

Magistrate Judge John P. Cooney filed Findings and Recommendation on November 28, 2006. The matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

I have, therefore, given this case de novo review. I find no

error. Accordingly, I ADOPT the Findings and Recommendation of Magistrate Judge Cooney.

**CONCLUSION**

Magistrate Judge Cooney's Findings and Recommendation (#49) is adopted. Plaintiff's motion for partial summary judgment (#36) is granted.

IT IS SO ORDERED.

DATED this 4 day of January, 2007.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT COURT JUDGE